

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application Of:

Lawrence M. Ausubel et al.

Application No.: 09/740,930

Filed: December 21, 2000

For: SYSTEM AND METHOD FOR THE
EFFICIENT CLEARING OF SPECTRUM
ENCUMBRANCES

Confirmation. No.: 7304

Group Art Unit: 3691

Examiner: F. Poinvil

Customer No.: 14449

Mail Stop 16

Director of the USPTO

P.O. Box 1450

Alexandria , VA 22313-1450

**REQUEST FOR REFUND IN CONNECTION
WITH A NOTICE OF APPEAL OF JULY 18, 2011**

Sir:

Applicants hereby request a refund in connection with a Notice of Appeal of July 18, 2011 in the above-identified application and in support thereof state as follows:

- Applicants filed a Notice of Appeal on August 1, 2006 and paid the associated fee of \$250 (see attached copy);
- The appeal was not decided because the examiner instituted a new ground of rejection;
- Following a later Final Rejection, Applicants filed a new Notice of Appeal on July 18, 2011. In filing the 2011 Notice of Appeal, Applicants noted that because of the earlier payment the fee should be limited to \$20 (see attached copy);
- Applicants' deposit account was charged the current fee of \$270 (see attached copy); and

- Applicants request a refund of the difference, \$250.

Therefore, for the reasons stated above and in accordance with 37 C.F.R. 1.25 and 1.25, Applicants request that a credit of the difference between the above fees to be charged back to Deposit Account No. 50-1847.

Date: November 14, 2011

Respectfully Submitted

/Stanley B. Green/

Stanley B. Green

Registration No.: 24,351

Manatt, Phelps & Phillips LLP

700 12th Street, NW. Suite. 1100

Washington, DC 20005

Phone: 202.585-6500

Facsimile: 202.585.6600

Attorney(s) for Applicant

* * * COMMUNICATION RESULT REPORT (AUG. 1. 2006 2:22PM) * * *

FAX HEADER 1: CBL&H 202 293 6229
FAX HEADER 2:TRANSMITTED/STORED : AUG. 1. 2006 2:19PM
FILE MODE OPTION

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OK

10/10

REASON FOR ERROR OR LINE FAIL
E-31 HANG UP OR NO ANSWERE-23 BUSY
E-43 NO FACSIMILE CONNECTION**FAX TRANSMISSION**

DATE: August 1, 2006

PTO IDENTIFIER: Application Number 09/740,930-Conf. #7304

Patent Number

Inventor: Peter C. Cramton et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

Stanley B. Green

PHONE: (202) 331-7111

Attorney Dkt. #: 21736-00011-US

PAGES (Including Cover Sheet): 10

CONTENTS: Pre-Appeal Brief Request for Review (6 pages)
 Notices of Appeal (1 page)
 Petition for Extension of Time (1 page)
 Charge \$475.00 to deposit account 22-0185
 Certificate of Transmission (1 page)

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CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800, Washington, DC 20036

Telephone: (202) 331-7111 Facsimile:

FAX TRANSMISSION

DATE: August 1, 2006

PTO IDENTIFIER: **Application Number** 09/740,930-Conf. #7304
Patent Number

Inventor: Peter C. Cramton et al.

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 21736-00011-US	
In re Application of Peter C. Cramton et al.			
Application Number 09/740,930-Conf. #7304		Filed December 21, 2000	
For SYSTEM AND METHOD FOR THE EFFICIENT CLEARING OF SPECTRUM ENCUMBRANCES			
Art Unit 3628		Examiner F. Poinvil	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 22-0185. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

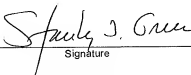
I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. 24,351



 Signature
 Stanley B. Green

 Typed or printed name

 (202) 331-7111

 Telephone number
 August 1, 2006

 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

☐ *Total of 1 forms are submitted.

Electronic Acknowledgement Receipt

EFS ID:	10538220
Application Number:	09740930
International Application Number:	
Confirmation Number:	7304
Title of Invention:	System and method for the efficient clearing of spectrum encumbrances
First Named Inventor/Applicant Name:	Lawrence M. Ausubel
Customer Number:	14449
Filer:	Stanley Barry Green/Joyce Guthrie
Filer Authorized By:	Stanley Barry Green
Attorney Docket Number:	44430-039
Receipt Date:	18-JUL-2011
Filing Date:	21-DEC-2000
Time Stamp:	13:50:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part / .zip	Pages (if appl.)
1		44430-039_Notice_of_Appeal_EOT.pdf	<div style="text-align: center;">299435</div> <div style="font-family: monospace; font-size: small;">7d3cd1276a22ef9310be03bdecf52a4000956 59d</div>	yes	2

Multipart Description/PDF files in .zip description			
	Document Description	Start	End
	Notice of Appeal Filed	1	1
	Extension of Time	2	2

Warnings:

Information:

Total Files Size (in bytes):	299435
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
 If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
 If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 44430-039	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		In re Application of Lawrence M. Ausubel Application Number 09/740,930 Filed December 21, 2000 For System & Method for the Efficient Clearing of Spectrum Encumbrances Art Unit 3691 Examiner Poinvil, Frantzy	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>540.00</u>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ <u>20.00</u>	
<input type="checkbox"/> A check in the amount of the fee is enclosed.		* (\$270 minus \$250 previously paid on Aug. 1, 2006 = \$20.00)	
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>501847</u> .			
<input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		/Stanley B. Green/	
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95)		Stanley B. Green	
<input checked="" type="checkbox"/> attorney or agent of record. <u>24,351</u>		202.585.6500	
Registration number		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		July 18, 2011	
Registration number if acting under 37 CFR 1.34.		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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United States
Patent and
Trademark Office



Deposit Account Statement

Requested Statement Month:

August 2011

Deposit Account Number:

501847

Name:

MANATT PHELPS & PHILIPS, LLP

Attention:

JILL PIETRINI, ESQ.

Street Address 1:

1001 PAGE MILL ROAD

Street Address 2:

BUILDING 2

City:

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CA

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94304-1006

Country:

UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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\$25,610.00	\$9,312.00	\$4,390.00	\$20,688.00	

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